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ENGROSSED SUBSTITUTE HOUSE BILL 2494

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State of Washington

60th Legislature

2008 Regular Session

By House Judiciary (originally sponsored by Representatives Moeller, Ormsby, and Chase)

READ FIRST TIME 02/06/08.

1 AN ACT Relating to end-of-life health care directives; amending RCW  
2 43.70.480; and adding a new section to chapter 4.24 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 43.70.480 and 2000 c 70 s 1 are each amended to read  
5 as follows:

6 (1) The department of health shall adopt guidelines and protocols  
7 for how emergency medical personnel shall respond when summoned to the  
8 site of an injury or illness for the treatment of a person who has  
9 signed a written directive ((or)), durable power of attorney, or  
10 medical order form developed by the department pursuant to subsection  
11 (2) of this section requesting that ((he or she not receive futile  
12 emergency medical)) life-sustaining treatment, as defined by RCW  
13 70.122.020(5) and emergency treatment including, but not limited to,  
14 "resuscitate" or "do not resuscitate" orders, or related comfort care  
15 be provided, withheld, or withdrawn under specified circumstances.

16 ((The guidelines shall include development of)) (2) The department  
17 shall develop a simple medical order form for documenting a person's  
18 life-sustaining and emergency treatment preferences, which clearly  
19 indicates "resuscitate" or "do not resuscitate" and other choices for

1 life-sustaining and emergency treatment or related comfort care that  
2 shall be ((used statewide)) followed by emergency medical personnel  
3 certified under chapters 18.71 and 18.73 RCW.

4 (3) The form must be signed by:

5 (a) An advanced registered nurse practitioner, naturopathic  
6 physician, osteopathic physician, osteopathic physician assistant,  
7 physician, or physician assistant; and

8 (b)(i) The person; or

9 (ii) The person's legal representative, as defined in RCW 7.70.065,  
10 following the informed consent criteria in RCW 7.70.060.

11 (4) Emergency medical personnel who, in good faith, provide,  
12 withhold, or withdraw treatment from a person in accordance with the  
13 directions stated on a medical order form developed and endorsed by the  
14 department of health under this section and executed in accordance with  
15 subsection (3) of this section shall be immune from civil or criminal  
16 liability, including professional conduct sanctions. The immunity  
17 authorized by this subsection does not include immunity for failing to  
18 exercise the standard of care required by RCW 7.70.040 when providing,  
19 withholding, or withdrawing treatment.

20 (5) The form may also be followed by other providers as defined in  
21 section 2 of this act, for the purposes of identifying and implementing  
22 a person's requests regarding providing, withholding, or withdrawing  
23 life-sustaining treatment, emergency treatment including "resuscitate"  
24 or "do not resuscitate," or related comfort care. The provisions of  
25 this section do not supersede other legal requirements applicable to  
26 providers. Providers may not require any person to execute the form.  
27 The provider must follow informed consent requirements under chapter  
28 7.70 RCW. In addition, health care facilities, health facilities, and  
29 adult family homes must comply with all licensing and certification  
30 requirements.

31 NEW SECTION. Sec. 2. A new section is added to chapter 4.24 RCW  
32 to read as follows:

33 (1) For the purposes of this section, "provider" means:

34 (a) An advanced registered nurse practitioner, naturopathic  
35 physician, osteopathic physician, osteopathic physician assistant,  
36 physician, or physician assistant;

1 (b) A health care provider acting within the provider's licensed  
2 scope of practice and under the direction of an advanced registered  
3 nurse practitioner, osteopathic physician, osteopathic physician  
4 assistant, physician, or physician assistant;

5 (c) A kidney disease treatment center and its personnel; or

6 (d) A health facility as defined in chapter 70.122 RCW and its  
7 personnel, health care facility as defined in chapter 71.32 RCW and its  
8 personnel, or adult family home as defined in chapter 70.128 RCW and  
9 its personnel.

10 (2) Nothing in this act shall be interpreted to permit providers or  
11 personnel to act outside the scope of their practice.

12 (3) Any provider who, in good faith, provides, withholds, or  
13 withdraws life-sustaining treatment, emergency treatment including  
14 "resuscitate" or "do not resuscitate," or related comfort care from a  
15 person in accordance with the directions stated on a medical order form  
16 developed and endorsed by the department of health under RCW 43.70.480  
17 and signed in accordance with RCW 43.70.480(3) shall be immune from  
18 civil or criminal liability, including professional conduct sanctions.  
19 The immunity authorized by this subsection does not include immunity  
20 for failing to exercise the standard of care required by RCW 7.70.040  
21 when providing, withholding, or withdrawing treatment.

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